

**REMARKS**

Claims 1-58 are pending with entry of this Amendment.

Claims 1-58 stand rejected.

**CLAIM REJECTIONS**

Claims 1-58 have been improperly rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 6,154,735 to Crone. Applicant disagrees with the merits of the rejection and submits the following in response.

Claim 1 is illustrative of Applicant's argument and recites, *inter alia*:

- (a) predicting the occurrence of events along the network based on the movement plan **as a function of an actual event occurring along the network subsequent to the generation of the movement plan**; and
- (b) prompting the respective dispatcher to take specific actions as a function of the predicted events. (emphasis supplied).

It is clear that the claim predicts events that have not yet occurred along a network as a function of an actual event occurring to thereby account for, reduce or even obviate the impact of the actual event on the movement plan by prompting a dispatcher to take specific actions as a function of the predicted events. By way of example, if a train is performing a scheduled work activity (e.g. picking up or setting out cars) and the train crew informs the dispatcher that they expect to incur additional delays, then the dispatcher can provide that delay information into the movement planner system through an automated dispatcher 140 on a prospective basis and allow the centralized movement

planner 120 to evaluate the impact on the network-based movement plan. Prior art systems such as Crone appear to merely provide retrospective relief for an event such as a delay after the delay had already been encountered. Thus, by providing early notification of a prospective delay, the movement planner of Claim 1 may take an expected delay into account and reduce and even obviate its impact on the remainder of the movement plan. The movement planner may then adjust the movement of other trains accordingly, based on the updated information.

Rather than disclosing the claimed predictive technique, the portions of Crone cited by the Action merely disclose methods of block control of a train. For example, Crone discloses both moving block control and fixed block control. In moving block control, a forbidden zone including the train and a length of track in front of and along the route of the train is modeled and associated with each train in the network. As trains are advanced incrementally in time in the model, the respective moving blocks are analyzed for conflict and the trains are controlled accordingly. *See* Crone, 30:35-58. In fixed block control, a train checks a railway signaling model to determine if a signaling block (*i.e.*, fragment track structures generally based upon rail topology) is occupied or unoccupied. If occupied, there exists a conflict and a command may be given to the train such as a “stop” or “restricted speed”. *See* Crone, 30:59-31:60. FIG. 3 of Crone is also illustrative of the train scheduling concept disclosed therein. For example, a system wide planner 200 is responsible for overall system planning, and more specifically, developing

a schedule and forwarding it to planner/dispatcher 204. The planner portion of 204 receives the schedule and outlines a detailed movement plan based on known parameters (e.g., physical attributes, track parameters and train handling constraints). “The movement plan is a time history of the position of the trains throughout the plan and takes into account the physical forces which are expected to occur during the actual carrying out of the plan.” *See* Crone 13:9-12 (emphasis supplied). Again, none of the sections of Crone referenced by the Office provide a disclosure of the claimed predictive technique.

Claim 1, and for similar reasons Claims 24, 33, 40-42 and 56-58 overcome the teachings of Crone and the rejection thereof must be withdrawn. Dependent Claims 2-23, 25-32, 34-39 and 43-55 are also allowable over Crone by virtue of dependency. The withdrawal of all rejections and an allowance of Claims 1-58 is requested.

**CONCLUSION**

Applicant submits Claims 1-58 are in condition for allowance, such favorable action is earnestly and respectfully solicited.

If the Examiner believes that an in-person or telephonic interview with the Applicant's representatives will expedite prosecution of the subject patent application, the Examiner is invited to contact the undersigned agents of record.

The Office is requested and hereby authorized to charge the appropriate extension-of-time fees against Account No. 04-1679 to Duane Morris LLP.

Respectfully submitted,



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